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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,112	08/17/2001	Marshall Z. Schwartz	06510003PB	3767

7590

04/02/2004

McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

EXAMINER

BORIN, MICHAEL L

ART UNIT

PAPER NUMBER

1631

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040331

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. The communication filed on 01/21/2004 is not fully responsive to the prior Office action because of the following omissions or matters:

Applicant did not provide specific references to sections of specification providing support to amended and added claims. Specifically, applicant did not indicate support in the specification for amended claim language directed to "intestine", as opposed to more limited term "small intestine" in original claims.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. In addition, upon consideration of the pending claims, the following election of species requirement was deemed to be necessary.

The claims are generic to a plurality of disclosed patentably distinct species comprising diseases involving small intestinal damage or involving inflammatory bowel disease (such as diseases recited in claims 7,21,27). Consideration of methods of use of claimed compounds for treatment of each of these diseases requires a separate search, as well as separate enablement considerations. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for the particular condition to be treated, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (571) 272-0713. Dr. Borin can normally be reached between the hours of 8:30 A.M. to 5:00 P.M. EST Monday to Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Woodward, can be reached on (571) 272-0722.

Any inquiry of a general nature or relating the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0549.

MICHAEL BORIN, PH.D
PRIMARY EXAMINER